

350—55.1(17A, ExecOrd11) Applicability. This chapter outlines a uniform process for the granting of waivers or variances from rules adopted by the office. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the office.

55.1(1) Definition. “Waiver” or “variance” means an office action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

55.1(2) Authority.

a. A waiver or variance from rules adopted by the office may be granted in accordance with this chapter if (1) the office has authority to promulgate the rule from which waiver or variance is requested or has final decision-making authority over a contested case in which a waiver or variance is requested; and (2) no statute or rule otherwise controls the granting of a waiver or variance from the rule from which waiver or variance is requested.

b. No waiver or variance may be granted from a requirement which is imposed by statute. Any waiver or variance must be consistent with statute.